



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved Minutes
State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee
Special Meeting
Tuesday, August 25, 2015, 9:00 AM
999 Asylum Avenue, First Floor
Conference Room

Hartford, CT 06105

Members Present:

Robert Rinker, Subcommittee Chair
Stuart Mahler
Roy Steiner

Claudia Baio, SCSB Chair

Staff Present:

Julia Marquis, Chief Procurement Officer
David Guay, Executive Director

1. Call to order

Meeting was called to order at 9:00 A.M. by Robert Rinker, Subcommittee Chair.

2. Approve the minutes of the June 25, 2015 Meeting

Subcommittee Chair Rinker entertained a motion to approve the draft minutes of the June 25, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee.

Motion made by Stuart Mahler and seconded by Robert Rinker to approve the minutes of the June 25, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee. All voted in favor, the minutes of the June 25, 2015 meeting of the

State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee were approved.

3. Schulman & Associates contest of DOC's award of a contract.

Subcommittee Chair Rinker confirmed that Schulman & Associates had not provided anything further to the Board or Subcommittee.

Subcommittee Chair Rinker noted that he was left with issues concerning Schulman & Associates. The first issue of concern was the absence of a time and date stamp protocol, which is a requirement of the Office of Policy and Management's Procurement Standards. , The Department of Correction admits that they have no such protocol and that no date/time stamp process was followed in the RFP which is at issue in the Schulman case. .

Subcommittee Chair Rinker asked what the Board does with an agency that does not follow a policy, like that of date and time stamping. Chief Procurement Officer Julia Marquis responded that the Board could advise and suggest best practices as well as issues policies, guidelines and regulations.

Chief Procurement Officer Marquis questioned whether Attorney Schulman offered the Subcommittee a process violation that he knew or should have known about, as required by statute. Subcommittee Chair Rinker stated that Attorney Schulman did not raise the process argument, the Subcommittee discovered it by admission of the agency. Subcommittee Chair Rinker voiced that the Subcommittee would continue to stumble upon these issues in investigating such matters.

Discussion was held on the different approaches the Subcommittee and Board could take on process issues and best practices.

Consensus was reached on raising the process issues and best practices with the full Board.

Discussion was held on whether there was an appropriate arm's length review of the bids. Further discussion was held on who the proper people are to perform evaluations, as evaluation teams need subject matter experts but also individuals who are impartial

Chief Procurement Officer Marquis stated that agencies need to avoid the appearance of impropriety and suggested issuing guidelines to assist agencies in this endeavor.

Chief Procurement Officer Marquis explained that she would be partnering with the Department of Administrative Services (DAS) again this year to provide training on November 13th and offered to include discussing the appearance of improprieties and arm's length transactions.

Chair Rinker expressed his concerns on the issue of evaluators; wishing to be sure the Board is putting people on notice, and thinking it should be in a regulation, but open to discussion with the full Board.

Roy Steiner suggested the Board get a copy of agency procurement policies. Roy expressed a desire for consistency across all agencies. Claudia Baio suggested that this be put before the Board at the September 11, 2015 meeting.

4. Stericycle, Inc. contest of an University of Connecticut Health Center (UCHC) award of a contract

Chair Rinker confirmed that UConn has not objected to the Subcommittee's review.

Chair Rinker reviewed technical matters. Contest was made on June 22, 2015, an addendum to the contest was submitted on June 25, 2015. Chair Rinker asked whether Stericycle noticed the Subcommittee on the addendum of June 25, 2015. Chief Procurement Officer responded that they did not.

Chair Rinker noted that the issue before the Subcommittee is the June 22, 2015 appeal by Stericycle, Inc. The Subcommittee has received and reviewed UConn Health Center's response. Chair Rinker asked if the Subcommittee members had any issues with it. No issues were raised by Subcommittee members.

Motion made by Roy Steiner and seconded by Stuart Mahler to inform Stericycle Inc. that the University of Connecticut Health Center's response is appropriate and consequently, the Subcommittee is denying Stericycle, Inc.'s appeal. All voted in favor and the motion carried

5. Independence Northwest contest of a Department of Housing (DOH) award of a contract

Chair Rinker summarized that Independence Northwest is contesting the Department of Housing's (DOH) award to other bidders as a result of the bidders' proposal to utilize the Housing First model, as the RFP did not require the use of this model. Independence Northwest contends that in its debriefing with DOH they were told that their competitors' use of the Housing First model resulted in Independence Northwest not being offered the right to negotiate a contract.

Chair Rinker questioned whether the RFP included any requirement on "Housing First." He also inquired as to whether the Subcommittee had received the scoring sheets from DOH and if the RFP claimed the criterion weights to be confidential. Chair Rinker expressed uncertainty about the weights of different criteria being kept confidential. Chief Procurement Officer Marquis noted that the Procurement Standards recommend publicizing the weights only when it is for a specific purpose and advantageous to the State. Otherwise, weights are known by the Official Contact of the RFP and withheld from the evaluation team so that evaluators may not sway the outcome of the RFP. Chair Rinker remained unconvinced that this was the best approach to the matter of weighting criteria and there was some discussion about reviewing best practices.

Chair Rinker offered that he didn't believe the subcommittee had enough information to proceed on the matter raised by Independence Northwest.

By consensus, the Subcommittee requested the following documents/responses be provided by DOH no later than Friday, September 4th:

- 1) The scoring sheets associated with the above referenced RFP.
- 2) The Commissioner's response/ the response of the Commissioner's designee, if any, to the recommendations of the evaluation committee.
- 3) The contract start date for the successful bidder and a copy of their contract.
- 4) A copy of the Consolidated Draft Plan referenced by Ms. Healy in her letter to the Commissioner.

September 11, 2015 at 9 A.M. was selected as the next Subcommittee meeting date.

6. Other Business

No other business was raised.

7. Adjournment

Hearing and seeing no other business, Chair Rinker entertained a motion to adjourn.

Motion made by Roy Steiner and seconded by Stuart Mahler to adjourn. All voted in favor, the meeting was adjourned at 10:15 A.M.